

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

MONTRELL HILLARD

PLAINTIFF

v.

No: 3:18-cv-00180 KGB-PSH

SUSAN COX, *et al.*

DEFENDANTS

PROPOSED FINDINGS AND RECOMMENDATION

INSTRUCTIONS

The following Proposed Findings and Recommendation have been sent to United States District Judge Kristine G. Baker. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

DISPOSITION

Plaintiff Montrell Hillard filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 on September 24, 2018 (Doc. No. 1). On September 25, 2018, the Court entered an order directing Hillard to submit the full \$400.00 filing and administrative fees or file a fully completed and signed IFP application within 30 days. *See* Doc. No. 2. Hillard was cautioned that failure to comply with the Court's order within that time would result in the recommended dismissal of his case, without prejudice, pursuant to Local Rule 5.5(c)(2).

More than 30 days have passed, and Hillard has not complied or otherwise responded to the September 25 order. Accordingly, the Court finds that this action should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2) and failure to respond to the Court's orders. *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (district courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

IT IS THEREFORE RECOMMENDED THAT Hillard's complaint (Doc. No. 1) be DISMISSED WITHOUT PREJUDICE.

DATED this 31st day of October, 2018.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

UNITED STATES MAGISTRATE JUDGE